

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff, :
: 22 Civ. 345 (JPC) (OTW)
-v- :
: ORDER
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Defendant. :
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JOHN P. CRONAN, United States District Judge:

On January 27, 2022, the Honorable Alison J. Nathan, to whom this case was previously assigned, issued an order directing the parties to “meet and confer to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge.” Dkt. 10 at 1. If both parties consent to proceeding before Judge Wang, counsel for Defendant was directed to “ECF file a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate form” within two weeks of the date on which Defendant notices an appearance. *Id.* If either party does not consent to conducting all further proceedings before Judge Wang, the parties were directed to file a joint letter within two weeks of the date on which Defendant notices an appearance, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent.

Counsel for Defendant filed a notice of appearance in this action on February 17, 2022. Dkt. 12. The docket, however, does not reflect any document filed by the parties in accordance with Judge Nathan’s January 27, 2022 Order. Accordingly, it is hereby ORDERED that, by June 1, 2022, the parties shall file a joint letter advising the Court as to whether both parties consent to conducting all further proceedings before Judge Wang.

If both parties consent to proceeding before Judge Wang, counsel for Defendant must, within two weeks of the date of this Order, submit to the Orders & Judgments Clerk at judgments@nysd.uscourts.gov a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://www.nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). If the Court approves that form, all further proceedings will then be conducted before Judge Wang rather than before the undersigned. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be from this Court if the consent form were not signed and so ordered.

If either party does not consent to conducting all further proceedings before Judge Wang, the parties must file a joint letter, within two weeks of this Order, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The Court has already referred this case to Judge Wang for a report and recommendation on any motion for judgment on the pleadings. *See* Dkt. 13.

The parties are free to withhold consent to conducting all further proceedings before Judge Wang without negative consequences.

SO ORDERED.

Dated: May 18, 2022
New York, New York



JOHN P. CRONAN
United States District Judge

UNITED STATES DISTRICT COURT

for the

____ District of _____

<hr/> <i>Plaintiff</i> v. <hr/> <i>Defendant</i>	_____) _____) _____) Civil Action No. _____) _____)
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NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys**Signatures of parties or attorneys**Dates*

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

*District Judge's signature**Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.